



Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
(508) 278.8603

Pg. 1 of 5 Pages

Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, **August 23, 2006**, at 7:00 P.M. in the **Board of Selectmen's Meeting Room**, 21 So. Main St., Uxbridge, MA 01569.

Planning Board Members Present: Chairman John Morawski, Clerk Debbie Bernier, Peter Petrillo and Stanley Stefanick

Planning Board Member(s) Absent: Vice-Chairman Susan Bloomberg

Others Present: Floyd Forman, Director of Planning and Economic Development and Cheryl Brodeur, Administrative Assistant, Planning and Zoning Boards

The meeting being duly called, properly posted, and a quorum being present, Chairman Morawski called the meeting to order at **7:05 P.M.**

81P(s):

"Division of Land, 63 & 67 Homeward Ave., Uxbridge, MA, owned by Elizabeth A. Thompson", dated 07/13/06, prepared by Andrews Survey & Engineering: Mr. Forman explained to the Board members that the applicant was merely dividing with requisite frontage. It was clear that no representative was present as was no mylar, so Chairman Morawski postponed the matter until later in the meeting.

Old / New Business:

Completion of Subdivision Infrastructure on Murphy's Way in the Holbrook Farm Estates

Subdivision: Floyd Forman explained to the Board members that the written information received from Chris Bettencourt walked in the door just this afternoon and that he had not had an opportunity to speak with Irving Priest about the information Chris provided. Mr. Forman expressed his opinion that if the schedule provided by Mr. Bettencourt did not work the Board could pull his Surety. Mr. Forman went on to say that he wanted to investigate the Surety and asked the Board to note that the paver said he was working on the grade but might not be able to eliminate all of the puddles. Peter Petrillo noted that there was no start date in the information presented and expressed concerns that this get done properly through the DPW and this paving company. Chris Bettencourt was present and Mr. Forman voiced his concerns to Mr. Bettencourt: A. The two to three week timeframe: Mr. Bettencourt indicated that the Board should assume completion on the project two to three weeks from the 18th and that the paver had assured him that this was a three to four day job tops. B. The clause that spoke to eliminating most but not all puddles: Mr. Bettencourt indicated that the paver would make every effort to make the puddles disappear. Mr. Forman indicated to Mr. Bettencourt that he wanted a meeting asap consisting of himself, the paver, Asst. DPW Superintendant Irving Priest, and Mr. Bettencourt to make sure everyone understood what needed to be done and in what timeframe. Mr. Bettencourt assured Mr. Forman that his plan was to see to it that the DPW was satisfied. Mr. Forman asked the Board to allow him to add an update on this issue to the 09/13/06 Planning Board Meeting Agenda. Chairman Morawski indicated that if nothing is significantly new on 09/13/06, the Board will pull the bond. John Ayers of Murphy's Way expressed concerns over snow plowing and infrastructure (catch basins). Mr. Bettencourt assured him that he would continue to see to it that the plowing was done just as it has been done in the past. Chairman Morawski told Mr. Bettencourt that 09/20/06 is the drop dead date.

Evergreen Acres Conservation Design Definitive Subdivision Plan Continued Deliberation: Floyd Forman told the Board members that things continued to move along with this project but that there were still four open issues: 1.) Making Jones Road into a curve rather than a "T" – done; 2.) ConComm's concerns on the vernal pools and moving outfalls on the detention basin; 3.) The roadway over the Tennessee Gas Line and whether or not the Board should ask the applicant to re-visit on an emergency

basis entering the subdivision between lots 1 and 2 with a gated and locked entrance because if the road is shut down, there is no other access; 4.) Fire Chief Peter Ostroskey has made a request of the applicant that it adds five (5) twenty-thousand (20,000) gallon cisterns to the subdivision at locations to be determined by him for fire fighting purposes. Mr. Forman indicated to the Board members that he recommended continuing deliberation at least another thirty (30) days to re-open the Public Hearing to address these issues before rendering a decision. Steve Gioiosa of SITEC Engineering mentioned that DPW Assistant Superintendent, earlier on in the review process, expressed concerns over a locked entrance and Mr. Priest and Kevin Aguiar of BETA Engineering came to agreement on other road issues including guardrail limitations. He went on to say that regarding ConComm's concern about draining into the vernal pool, the Plans have been changed to address that concern. Mr. Gioiosa told the Board members that he met with ConComm two nights ago and that the applicant agreed to have a wetlands and a wildlife professional go out with engineering staff to clarify where the edge of the pool is and to verify the buffer. Mr. Gioiosa stated further that as regards emergency access, the applicant stayed away from doing such an access in the interest of the King Street neighborhood but he assured the Board members that he would discuss this again with the applicant. Floyd Forman asked what would happen if the road is shut down by Tennessee Gas, in other words, how would the residents of eighty-five homes get to their homes? Steve Gioiosa responded that one side of the road at a time would be shut down. Peter Petrillo reminded the Board members that a gate would not shut out two and four wheelers. Chairman Morawski reminded the Board members that the reason the Board supported the double-wide entrance was so as not to go with the gate. Mr. Gioiosa indicated that he would address this with the Chief. After further discussion, the majority of the Board members felt that the double-wide road addressed concerns relative to a gas line emergency and the ability of the residents to get to and from their homes. Floyd Forman asked the Board members if they were comfortable with the underground cisterns requested by the Fire Chief. He did indicate, however, that the issue of cisterns was never discussed during the Public Hearing process and questioned whether or not the Board thought the Public Hearing needed to be re-opened to address the cisterns. He further expressed concerns over the decision referencing one plan date with lots of conditions vs. a revised plan date. Mr. Gioiosa suggested that as the new information to be conditioned on the decision reflected only minor changes that the Board should be amenable to voting to the earlier Plan revision with conditions referencing these minor changes. Chairman Morawski offered that the abutters had made their concerns well known during the Public Hearing process and that the current changes merely reflected minor issues. Mr Forman told the Board that they could render a decision referencing an earlier Plan revision with conditions but that no condition could be made subject to the approval of, for instance, another board or the Chief and reminded the Board members that this is precisely why he always asks the Board to keep the Public Hearing open until all the details are worked out. Floyd Forman went on to say that the Fire Chief is getting increasingly more involved with projects in Town and he commended him for it. Chairman Morawski told Mr. Gioiosa to meet with the Chief by next Wednesday to get specific locations from him. Floyd Forman reminded the Board members that a decision can not reference a Plan with a date in the future. Stanley Stefanick offered his opinion that the Public Hearing did not have to be re-opened to incorporate the few minor changes. Peter Petrillo made a motion, seconded by Stanley Stefanick, to continue deliberations on the Evergreen Acres Conservation Design Definitive Subdivision Plan to 09/13/06. The vote was 4-0-0 in favor of the motion. Peter Petrillo made a motion, seconded by Stanley Stefanick, to grant the request of the applicant to extend the time within which the Board must render a decision of the Evergreen Acres Conservation Design Definitive Plan to 09/30/06. The vote was 4-0-0 in favor of the motion.

Hammond Estates: Set Bond Performance Guarantee / Release Cash Performance Guarantee: Peter Petrillo made a motion, seconded by Stanley Stefanick, to set a Performance Guarantee Bond on Hammond Estates, for Waterman Way from Station -0+17 to Station 15+00, located in the Hammond Estates Subdivision, for David Calarese of LRC Development Services, Inc., in the amount of \$189,625.00, secured with Bond No. 5018803, from Bond Safeguard Insurance Company dated July 27, 2006. Peter Petrillo made a motion, seconded by Stanley Stefanick, to release the Cash Performance Guarantee on Hammond Estates, for Waterman Way from Station -0+17 to Station 15+00, located in the Hammond Estates Subdivision, for David Calarese of LRC Development Services, Inc., in the amount of \$189,625.00.

The vote was 4-0-0 in favor of the motion. Debbie Bernier made a motion, seconded by Stanley Stefanick, to amend the earlier motion to add "+ / -" in front of the \$189,625. The vote was 4-0-0 in favor of the motion.

Discussion with Floyd Forman, Director of Planning and Economic Development:

Zoning By-law Review & Zoning Map (Request from the By-law Review Committee): Danny Baker, By-law Review Committee Chairman, told the Board members that the BRC has been looking at the general and zoning by-laws and that they will come to the Planning Board for a Public Hearing. Floyd Forman directed Cheryl Brodeur to get another copy of the changes to the Board members. Mr. Baker indicated that the BRC is not recommending new by-laws at this time but are instead just recommending improvements so they work better. Mr. Baker told the Board members that they could get a colored draft copy of the recommendations and further went on to say that Town Meeting had voted some \$3,700.00 to pay Cartographics to update the Zoning Map. Stanley Stefanick asked Mr. Baker how the BRC was going to handle long known discrepancies. Mr. Baker indicated that the BRC is looking at Town Meeting votes and pulling the AG's approvals to address deficiencies. He further indicated that the Zoning Map changes would not likely be on the Annual Fall Town Meeting Warrant. Mr. Baker concluded his presentation by asking the Board for any input they might have.

81P(s):

"Division of Land, 63 & 67 Homeward Ave., Uxbridge, MA, owned by Elizabeth A. Thompson", dated 07/13/06, prepared by Andrews Survey & Engineering: A representative of Andrews Survey & Engineering now present, the Board elected to vote on endorsing this 81P Plan. Peter Petrillo made a motion, seconded by Debbie Bernier, to endorse the Plan of Land entitled "Division of Land, 63 & 67 Homeward Ave., Uxbridge, MA, owned by Elizabeth A. Thompson", dated 07/13/06, prepared by Andrews Survey & Engineering. The vote was 4-0-0 in favor of the motion.

Discussion with Floyd Forman, Director of Planning and Economic Development:

Surety Issues on Subdivisions (also discussed at the last regular Planning Board Meeting): Mr. Forman told the Board members at the last meeting that the increased prices for oil was dramatically impacting the cost of subdivision roads. After speaking with Bill Cundiff, the Town of Douglas' Engineer, Mr. Forman found that like Douglas, the Planning Board should be able to adjust Performance Guarantee dollars upwards. He indicated that Irving Priest, DPW Assistant Superintendent, does look at Performance Guarantee numbers a couple of times a year. Chairman Morawski asked what would happen over an eight year time frame. Mr. Forman answered that in all likelihood, if no adjustment was made over that eight year time frame, there would not be enough dollars to complete a road should the dollars be needed. Chairman Morawski indicated that he just wanted to be sure someone was tracking this is sue.

Street Acceptance Drop Dead Date: Mr. Forman indicated that the Town needs street acceptance materials at least four (4) months ahead of Town Meeting. He told the Board that he was going to recommend to the Town Manager that a specific date be chosen by which materials must be received to ensure that Town Meeting had everything it needed to vote properly.

Public Hearing(s) Continued:

Cnossen LTI Corp. / UniLock Special Permit: Floyd Forman told the Board members that this Special Permit is part of a two-fold process: 1.) Modifying a previously approved Subdivision Plan (Quaker Industrial Park II) for the purpose of moving a detention basin and 2.) Granting a Special Permit for a building over 20,000 sq. ft. He went on to say that the application for the Subdivision Plan Modification was not received soon enough to advertise for this meeting and asked, therefore, that the Board continue the Special Permit hearing to 09/13/06 at which time both matters could be taken up, the continuance of the Special Permit hearing and the opening of the Subdivision Modification hearing. Stanley Stefanick made a motion, seconded by Peter Petrillo, to continue the Public Hearing on the Cnossen LTI Corp. / UniLock Special Permit to 09/13/06. The vote was 4-0-0 in favor of the motion.

Maple Shire Lane (a.k.a., Lachapelle Lane) Definitive Subdivision Plan: Adam Gaudette of Heritage Design Group represented the applicant. He indicated that his clients agreed to do everything the Board suggested at the last hearing and he asked that the Board close the Public Hearing tonight and vote on the

waivers. Mr. Gaudette indicated that the waiver requests were typical of a project this size. Floyd Forman told the Board members that he was looking for their guidance on this and that the Fire Chief has no problems with what the Board does. He told them that the street name was approved by the Board of Selectmen and that it will be Lachapelle Lane. Peter Petrillo asked if Mr. Mason, an abutter to the project, was pleased. Mr. Gaudette said he was. Stanley Stefanick made a motion, seconded by Peter Petrillo, to close the Public Hearing on the Maple Shire Estates (a.k.a., Lachapelle Lane) Definitive Subdivision Plan. The vote was 3-0-1 in favor of closing the Public Hearing, with Debbie Bernier casting the one abstaining vote. Chairman Morawski asked Mr. Forman what he thought about the Waiver Requests. Mr. Forman told him that the Board needed to tell him what it wanted, roadway vs. driveway, going to a new home. Adam Gaudette proffered that the applicant might need a condition of approval re: the use of re-grind. Mr. Forman suggested that Mr. Gaudette should email him with details on the Waiver Requests. Mr. Gaudette assured Mr. Forman that he would clarify the Waiver Requests and Conditions. Chairman Morawski indicated that he had no objections to what was proposed the applicant. He went on to comment that the applicant had satisfied the abutter and Irving Priest. He asked Mr. Gaudette to clarify the Waiver Requests and Mr. Gaudette assured him he would do so the next day. Stanley Stefanick made a motion, seconded by Peter Petrillo, to continue deliberation on the Maple Shire Lane (a.k.a., Lachapelle Lane) Definitive Subdivision Plan to 09/13/06. The vote was 4-0-0 in favor of the motion.

Public Hearing(s) New:

West River Estates Phase V Definitive Subdivision Modification Plan: Scott Medeiros of Andrews Survey and Engineering represented the applicant. Chairman Morawski opened the Public Hearing on the West River Estates Phase V Definitive Subdivision Modification Plan. Mr. Medeiros spoke to one roadway in the previously approved West River Estates Definitive Subdivision Plan. He indicated that he had made no formal comment to Cullinan Engineering or the DPW. He further indicated that the earlier subdivision had never been rescinded. Mr. Forman indicated that the earlier subdivision was approved over eight years ago. Mr. Medeiros told the Board members that the critical items will be waivers. He asked what Waivers were necessary, if any, and cited that the only points brought up by Cullinan Engineering and the DPW are new requirements. He went on to say that the original requirements are the effective requirements, that there is no certificate of approval, a restrictive covenant only. Mr. Medeiros indicated that he wanted to address everyone's concerns in one document. Chairman Morawski told Mr. Medeiros that if the applicant wanted to modify a plan, that it became a new plan. Mr. Forman indicated that the way decisions of approval are written now, the approval has an expiration date. He went on to say that Mr. Medeiros may be right about the subdivision but indicated that he wanted to double check himself. Mr. Forman reminded the Board members to look at Irving Priest's comment #1 regarding a drinking water well site. He went on to say that when you file an approved plan and do not rescind it, the zoning protection expires after eight years. Chairman Morawski asked Mr. Medeiros why the applicant was modifying the original plan and asked if there were lot reconfigurations along Eric Drive. Stanley Stefanick asked if there were modified plans on those reconfigured lots. Scott Medeiros said he could bring those plans to the next meeting on this matter. Both Chairman Morawski and Stanley Stefanick asked Mr. Forman to find out about what protections the previously approved subdivision was still subject to. Mr. Forman reminded all that you can not build within four hundred (400) ft. of a well site. Mr. Medeiros indicated the applicant was willing to sell it. Floyd Forman reminded Mr. Medeiros that after modifying the plan, the project would be much more valuable. Mr. Medeiros indicated that he wished the Town would approach the applicant (on the well site issue). Mr. Forman told Mr. Medeiros that he would contact the DPW and let them know that. Chairman Morawski indicated that he had no comments until the Board knows more about the project. Peter Petrillo made a motion, seconded by Debbie Bernier, to continue the Public Hearing on the West River Estates Phase V Definitive Subdivision Modification Plan to 09/27/06. The vote was 4-0-0 in favor of the motion.

Discussion with Floyd Forman, Director of Planning and Economic Development:

Definition of "Municipal Acceptance" on the new M.G.L. That Speaks to Board Members Missing One Meeting on a Special Permit: Mr. Forman told the Board members that the Governor's Office told him that "municipal acceptance" means Town Meeting approval. He went on to say that others have told

him the Board of Selectmen of a town can provide “municipal acceptance” and still others have told him that individual boards (i.e., the ZBA or the Planning Board) can provide it. Mr. Forman told the Board that he will further research this issue.

Letter to BJ’s re: Trucks on Town Roads: Mr. Forman told the Board that a letter was sent to BJ’s asking them to monitor their truck traffic and inform us of any problems.

Letter from Abutters to Peter Baghdasarian re: Braying Donkeys and a Saw Mill: Mr. Forman explained that a letter of complaint was received re: braying donkeys and the operation of a saw mill at Mr. Baghdasarian’s property on Johnson Road. He indicated that he was asked to give the letter to the Board members.

Zoning Articles From the Last Special Town Meeting and a New One for the AFTM: Mr. Forman told the Board members that all the Zoning Articles passed at the last Special Town Meeting were blessed by the Attorney General’s office and that he had received a call from Mark Anderson regarding sponsoring a Bernat Mill Overlay Zoning Article.

Accept & Endorse Meeting Minutes, Sign Invoices, Review Mail, Miscellaneous:

08/09/06 Meeting Minutes: Stanley Stefanick made a motion, seconded by Debbie Bernier, to accept as written and endorse the 08/09/06 Planning Board Meeting Minutes. The vote was 3-0-1 in favor of the motion with Peter Petrillo casting the one abstaining vote.

Adjournment: Stanley Stefanick made a motion, seconded by Peter Petrillo, to adjourn. The vote was 4-0-0 in favor of the motion. The meeting adjourned at 9:10 P.M.

_____	_____
John Morawski, Chairman	Date
_____	_____
Susan Bloomberg, Vice Chairman	ABSENT
_____	_____
Debbie Bernier, Clerk	Date
_____	_____
Peter Petrillo	Date
_____	_____
Stanley Stefanick	Date